

# CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

## I. (a) PLAINTIFFS

BANK OF AMERICA N.A.

## DEFENDANTS

AIU INSURANCE COMPANY, AIG TECHNICAL SERVICES, INC., and DOES 1 through 50

## (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

North Carolina

## COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. New York

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Franklin Dean Thomas (Hines & Thomas, Russ Building Suite 835, 235 Montgomery St., San Francisco, CA 94104)

## ATTORNEYS (IF KNOWN)

Kevin G. McCurdy  
Christina M. Lavanier

## II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question (U.S. Government Not a Party)

☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State

PTF DEF

☐ 1 ☐ 1

Citizen of Another State

☒ 2 ☐ 2

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Incorporated or Principal Place of Business in This State

PTF DEF

☐ 4 ☐ 4

Incorporated and Principal Place of Business in Another State

☒ 5 ☒ 5

Foreign Nation

☐ 6 ☐ 6

## IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

☐ Original Proceeding

☒ Removed from State Court

☐ Removed from Appellate Court

☐ Reinstated or Reopened

☐ Transferred from Another district (specify)

☐ Multidistrict Litigation

☐ Appeal to District Judge from Magistrate Judgment

## V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

### CONTRACT

- ☒ 100 Insurance
- ☐ 120 Marine
- ☐ 120 Marine Act
- ☐ 140 Negotiable Instrument
- ☐ 140 Recovery of Overpayment & Enforcement of Judgment
- ☐ 161 Marine Act
- ☐ 162 Recovery of Defuncted Student Loans (Excl Veterans)
- ☐ 163 Recovery of Overpayment of Veterans's Benefits
- ☐ 166 Stockholders Suits
- ☐ 166 Other Contract
- ☐ 166 Contract Product Liability
- ☐ 166 Franchise

### TORTS

#### PERSONAL INJURY

- ☐ 310 Airplane
- ☐ 310 Airplane Product Liability
- ☐ 320 Assault Libel & Slander
- ☐ 330 Federal Employees Liability
- ☐ 340 Marine
- ☐ 340 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 350 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

#### PERSONAL INJURY

- ☐ 362 Personal Injury Med Malpractice
- ☐ 366 Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

#### PERSONAL PROPERTY

- ☐ 370 Other Fraud
- ☐ 371 Theft in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

### FORFEITURE/PENALTY

- ☐ 910 Agriculture
- ☐ 920 Other Food & Drug
- ☐ 925 Drug Related Seizure of Property 21 USC 881
- ☐ 930 Liquor Laws
- ☐ 940 R.R. & Truck
- ☐ 950 Airline Regs
- ☐ 960 Occupational Safety/Health
- ☐ 965 Other

### LABOR

- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Unlign Relations
- ☐ 730 Labor/Unlign Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 750 Other Labor Litigation
- ☐ 761 Empl/Ret. Ins. Security Act

### BANKRUPTCY

- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

### PROPERTY RIGHTS

- ☐ 930 Copyrights
- ☐ 930 Patent
- ☐ 940 Trademark

### SOCIAL SECURITY

- ☐ 901 HRA (1936)
- ☐ 902 Black Lung (92)
- ☐ 903 DRUGDOWN (405(a))
- ☐ 904 SOD Title XVI
- ☐ 905 RRI (405(a))

### OTHER STATUTES

- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commercial/CC Rules/etc.
- ☐ 460 Deportation
- ☐ 470 Rochester Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Satellite TV
- ☐ 510 Selective Service
- ☐ 550 Securities/Commodities/Exchange
- ☐ 575 Customer Challenge 12 USC 3416
- ☐ 601 Agricultural Acts
- ☐ 602 Economic Stabilization Act
- ☐ 603 Environmental Matters
- ☐ 604 Energy Allocation Act
- ☐ 605 Freedom of Information Act
- ☐ 606 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 608 Constitutionality of State Statutes
- ☐ 609 Other Statutory Actions

### REAL PROPERTY

- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Tools to Land
- ☐ 245 Tort Product Liability
- ☐ 250 All Other Real Property

### CIVIL RIGHTS

- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing
- ☐ 444 Welfare
- ☐ 445 Other Civil Rights
- ☐ 445 Amer w/ disab - Empl
- ☐ 445 Amer w/ disab - Other

### PRISONER PETITIONS

- ☐ 610 Motion to Vacate Sentence Habeas Corpus:
- ☐ 620 General
- ☐ 630 Death Penalty
- ☐ 640 Mandamus & Other
- ☐ 650 Civil Rights
- ☐ 655 Prison Condition

### FEDERAL TAX SUITS

- ☐ 970 Taxes (US Plaintiff or Defendant)
- ☐ 971 IRS - Third Party 26 USC 7009

## VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 1332

## VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$287,500 CHECK YES only if demanded in complaint: UNDER F.R.C.P. 23 JURY DEMAND: ☒ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

## IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)

(PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

**PROOF OF SERVICE**

***Bank of America N.A. v. AIU Insurance Company, AIG Technical Services, Inc., and Does 1-50***  
**United States District Court for the Northern District of California**  
**Case No. TBA**

I am a citizen of the United States. My business address is 4300 Bohannon Drive, Suite 240, Menlo Park, California 94025. I am employed in the county of San Mateo where this service occurs. I am over the age of 18 years, and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

**CIVIL COVER SHEET**

Addressed to the following recipients:

Franklin Dean Thomas, Esq.  
Hines & Thomas  
Russ Building, Suite 835  
235 Montgomery Street  
San Francisco, CA 94104  
Phone (415) 981-2623  
**(Attorneys for Plaintiff)**

\_\_\_\_ (BY FAX) by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.

  X   (BY MAIL) I caused such envelope(s) with postage paid thereon fully prepaid to be placed in the United States mail at Menlo Park, California.

\_\_\_\_ (BY OVERNIGHT DELIVERY) I caused such envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.

  X   (Federal) I declare under the penalty of perjury under the laws of the United States that the above is true and correct.

Executed on September 7, 2007, at Menlo Park, California

  
Lena S. Nielsen

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